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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,022

02/27/2004

Hisanori Mori

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02/08/2006

STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
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WASHINGTON, DC 20005

EXAMINER

VASUDEVA, AJAY

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/789,022	MORI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ajay Vasudeva	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three-months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 7-17 and 23-25 is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *New Rejection*

1. This Office action contains a rejection of claims 2 and 4-6 -- previously indicated as allowable -- in view of newly discovered art. Because the rejection is based on new grounds, this action is a Non-Final action. The examiner regrets any inconvenience to the applicants and their representative.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Shibata (US 3,543,518 A).

Shibata shows a power generating and propelling system of a vessel (figure 2) having an internal combustion engine [21], a power transmission device [9, 10, 20], an electric power generating equipment [20] provided between the internal combustion engine and the power transmission device, and an electric motor [13] disposed at an area of the power transmission device. The rotary shaft of the electric motor is disposed coaxially to at least one of the rotary shafts of the power transmission device.

***Allowable Subject Matter***

4. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 1, 7-17 and 23-25 are allowed.

***Reasons for Allowance***

6. The prior art does not show or teach a power generating and propelling system of a marine vessel having an IC engine, a power transmission device, an electric power generating equipment, and an electric motor, wherein:
  - the power generating equipment is provided between the engine and the transmission device, the motor is disposed at an area of the transmission device, and wherein the transmission device is selectively driven by the engine independently, by the motor independently, or by the engine and motor collectively (as set forth in claim 1), **OR**
  - the power generating equipment is provided between the engine and the transmission device, the electric motor is disposed at an area of the transmission device, the rotary shaft of the electric motor is disposed coaxially to at least one of the rotary shafts of the power transmission device, and wherein the rotary shaft of the motor transfers power to the transmission device through any one of a torque limiter, an elastic joint and a clutch (as set forth in claims 4-6), **OR**
  - the transmission device having a substantially vertical transmission shaft and an input shaft substantially coaxially connected to a substantially horizontal crankshaft of the engine; a propeller shaft having a height different from the input shaft, the transmission device

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transmitting rotational force of the input shaft to the propeller shaft, the generating equipment interposed between the engine and the transmission device, the motor driven by electric power generated from the generating equipment, wherein the motor has an output shaft substantially coaxially connected to the transmission shaft (as set forth in claim 10).

### ***Response to Arguments***

7. Applicant's arguments with respect to claim 2 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art references cited in the attached PTO Form 892 each show a vessel having at least one internal combustion engine, a power transmission device, a generator/alternator, and an electric motor.

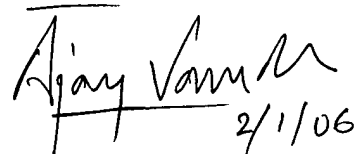
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva  
Examiner  
Art Unit 3617

  
2/1/06  
AJAY VASUDEVA  
PATENT EXAMINER